

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING
Date: May 4, 2019
Place: Doubletree, Novi**

I. Administrative matters

A. Call to Order and Welcome

The council was called to order by Bob Treat.

The following (15) council members were present: Sean Blume, Liz Bransdorfer, Matt Catchick, Jim Chryssikos, Shon Cook, Joe Hohler, Sahera Housey, Jenny Johnsen, Mat Kobliska, Peter Kulas-Dominguez, Vanessa Moss-Wilson, Anthea Papista, Randy Pitler, Amy Spilman, Bob Treat, Don Wheaton, and Hon. Tina Yost-Johnson.

Council members absent: Chris Harrington, Shelly Kester, Michelle Letourneau-McAvoy, Steve Reinheimer, and Liisa Speaker.

Ex-Officio and former council members: Kent Weichmann and Neil Colman.

Guests: Laura Bever, Dion Roddy, Steve Heisler, and Stephanie Johnson.

B. Introductions.

C. Chair Report:

Bob noted that the agenda reflected combination of the ADR and Collaborative committees and three co-chairs.

D. Approval of Minutes

Sahera Housey moved to approve the April 6, 2019 minutes. The motion was seconded by Sean Blume and was passed.

E. Treasurer's Report/Finance Committee

Sahera Housey noted that the financials circulated (as of March 31) contained errors with regard to where expenses were categorized, but that the overall section totals were accurate. She will follow up to correct the errors. She moved to accept the Treasurer's Report. Council approved the motion.

F. Corresponding Secretary

No report.

II. Key Committee Reports

- A. **Amicus** – no formal report – the committee is looking at the Foster case regarding various categories of military retired and disability pay and decided not to provide case summaries for the Journal after this year.

- B. **Court Rules** –
 - 1. **ADM File No. 2018-12.** The proposal in this ADM File would delete various Latin-named theories from MCR 2.612 (C) related to grounds for relief from judgment. The Committee recommended support for the proposal. Council adopted the Committee recommendation by a 16-0 vote.

 - 2. **ADM File No. 2018-16.** This ADM File proposes substantial changes to the rules in light of the summary support and paternity act. Comment period runs until August 1. The committee will address before and bring a recommendation to the next council meeting.

 - 3. **Public Hearing May 22, 2019.** The Supreme Court is taking comment on various topics, many of which Council has taken a position on. The Committee recommended that we find a Council member to speak as to the new proposed rule on FOC ADR processes. Sean Blume has agreed to do so. The Committee will get him the analysis that underlies Council’s position.

C. **Legislation –**

1. **HB 4304/4305.** The Committee recommended support of these bills that delete the requirement that health insurance be a benefit of employment in order to be required for children, specifically include public insurance, and impose a two-part test (accessible to the child and available to the parent) and require both parents to cover if both meet the test. Jim Chryssikos moved to approve the Committee recommendation. Liz Bransdorfer seconded. After some discussion, Liz moved to amend the motion to condition support for the bills on removal of the presumption that both parents provide coverage, in favor of a position that gives the court discretion to determine the best insurance arrangement for the parents and children (one parent covers children, other parents cover children, or both parents cover children). Don Wheaton seconded the motion to amend. After further discussion, the Motion to amend passed 16-0. Then the main motion, as amended, also passed 16 -0.

2. **HB 4469, 4470, 4471, SB 272, 273, 274:** Bills sought to repeal legislation that permits adoption and placement agencies to decline to service certain classes of parents based on the sincerely held religious beliefs of the agency. The Committee recommends that we oppose the legislation since this can be an acceptable position for the agency to take in circumstances where no public funds are involved. Jim Chryssikos moved to adopt the committee recommendation. Don Wheaton seconded, and Council approved the motion 14-0-1 after discussion.

3. **HB 4472, SB 275:** These bills would mandate joinder in an adoption petition by the spouse of a married petitioner and allow two unmarried persons to jointly petition for adoption. Prior Council position was to oppose because the change is not necessary after *Obergefell*. Jim Chryssikos moved to adopt the committee recommendation. Don Wheaton seconded, and Council approved the motion 8-6 after discussion. Liz Bransdorfer then moved that Council support efforts to investigate the concept of not foreclosing the possibility of unmarried persons adopting a child together. Joe Hohler seconded and after additional discussion the motion carried.

4. **Adoption Committee proposal to amend MCR 710.51:** The Legislative Committee voted to support the proposal of the Adoption Committee to propose an amendment of MCL 701.51, so

that a parent with sole legal custody by reason of a signed acknowledgement of parentage can seek involuntary termination of the other parent's parental rights following 2 years where that parent did not have contact and communication with or provide support for the child despite having the ability to do so. Jim Chryssikos moved to adopt the committee recommendation. Sean Blume seconded, and Council approved the motion 14-1 after discussion.

5. **Adoption Committee proposal to amend MCR 710.45.** The Legislative Committee voted to support the proposal of the Adoption Committee to propose an amendment of MCL 701.45 to allow for a meaningful judicial review of the MCI decision between competing proposed adoptive parents for children who are wards of the State. The amendments would eliminate the arbitrary and capricious standard and replace it with a best interest of the child based on a preponderance of the evidence standard. Jim Chryssikos moved to adopt the committee recommendation. Sean Blume seconded. After discussion Tina Yost-Johnson moved to amend the main motion to utilize a clear and convincing evidence standard, rather than preponderance. Shon Cook seconded and the motion to amend passed 13-2-0. After further discussion Shon Cook moved and Don Wheaton seconded the motion to reinstate/retain the current subsection 10 (appeal as of right). This motion to amend passed 11-4-0. The main motion, as amended, passed 14-1-0.

Stephanie Johnson updated Council on the status of other matters previously voted on and the possible effect of the gerrymandering/redistricting litigation on the Legislature's work over the next several months.

III. Standing Committee Reports

A. Adoption

A written report was submitted, Dion had no additional report.

B. Alternative Dispute Resolution/Collaborative

No Report.

C. Alternative Family

No Report.

D. Annual Meeting

September 21, 2019 in Lansing. There are rooms at the Crowne Plaza at a discounted rate. Reserve your room now to be sure you get one at the discount.

E. CLE/ICLE

The Family Law Institute is still in the planning stages for FLI 2019.

F. Domestic Violence

No Report.

G. Family Court Forum

No Report.

H. Family Law Journal

Amy Spilman and Anthea Papista reported that the Journal will take over the case summaries and complemented Joe Hohler on his recent article. Council members were reminded that they could agree to do a month of case summaries as their required Journal article.

I. Family Law Journal Advertising

Status quo on advertisers.

J. Family Support

The last two meetings were cancelled, will meet next week.

K. Membership

Membership is down as of March 31 over last year, but it might be a temporary glitch.

Volunteers still needed for the Young Lawyer's Summit on May 18 at the Motor City Casino. Bob Treat and Sean Blume will be there representing the Section. More are needed.

L. Mid-Winter/Mid-Summer Seminars

Mid-Winter: The site for 2020 conference has been selected. It will be Jamaica Inn in Jamaica. Some concern was expressed about the laws in that location as relate to criminalizing homosexuality and the country not being a signatory to the Hague Convention. It was suggested that this be a consideration when choosing future locations. Further information and the opportunity to attend will be sent soon.

Mid-Summer: Reminder: will be 7/11-7/14 at Crystal Mountain. Sponsors and speaker volunteers are all set, and registration will be open soon.

M. Political Action Committee

No Report.

N. QDRO/Taxation

The State Bar Access to Justice initiative continues to increase the numbers served with a 20 % increase in Pro-Bono QDROs.

O. Technology/Social Media

No Report.

IV. Ad Hoc Committees

A. SCAO Forms Committee

No Report.

B. Twenty Year Review

Tina Yost-Johnson requested that Council members consider joining her committee. There is a need for objective data on family division plans in various counties and discussion of ways to secure that information. The importance of a dedicated family division, with judges who prioritize and value the work and families before them rather than seeing family division as a stepping stone to a different judicial assignment was reaffirmed as a priority of the section. The Committee wants to move toward the introduction of legislation as soon as realistically possible.

V. Announcements/NEW BUSINESS

- 1. Policies** – proposed policies were circulated, but it was recognized that By-laws and policies need to be at the top of the next agenda so that they will get the attention they deserve. Don Wheaton moved to reimburse the chair-elect up to \$1,200 for costs to attend the State Bar Leadership Conference each year. Sean Blume seconded, and the motion passed 13-0-1 (with the current chair - elect abstaining).
- 2.** Sean Blume will circulate the new 16th Circuit Parenting Time policy.

VI. Future Meetings

- **Saturday, June 8, 2019** - Weber's Inn, Ann Arbor
- **Saturday, September 21, 2019** - Crowne Plaza, Lansing,

VII. Adjournment at 12: 30 pm

Respectfully submitted – Liz Bransdorfer for Shelly Kester